



U.S. Citizenship
and Immigration
Services

FILE:

Office: CALIFORNIA SERVICE CENTER

Date:

OCT 22 2004

IN RE:

Applicant:

APPLICATION:

Application for Temporary Protected Status under Section 244 of the Immigration
and Nationality Act, 8 U.S.C. § 1254

ON BEHALF OF APPLICANT:

Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to
the office that originally decided your case. Any further inquiry must be made to that office.

Cindy N. Gomez for

Robert P. Wiemann, Director
Administrative Appeals Office

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prevent clearly unwarranted
invasion of personal privacy

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DISCUSSION: The application was denied by the Director, California Service Center, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be dismissed.

The director denied the application because the applicant failed to establish that she is a national of a foreign state designated by the Attorney General and eligible for the granting of Temporary Protected Status (TPS) under section 244 of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1254.

The record reflects that the applicant is a citizen and national of Mexico.

On appeal, the applicant states that she is eligible for TPS because she is the spouse of a citizen of Honduras who has been granted TPS. The applicant provides a copy of her marriage certificate and documentation regarding her husband's immigration status.

Section 244(c) of the Act, and the related regulations in 8 C.F.R. § 244.2(a), provide that an applicant is eligible for TPS only if such alien establishes that he or she:

Is a national of a foreign state designated under section 244(b) of the Act;...

The applicant asserts on appeal that she is the spouse of an alien currently registered for TPS. However, 8 C.F.R. 244.2(f)(2)(iv), the regulation cited by the applicant in support of her assertion, allows spouses of TPS registrants to file applications after the initial registration period has closed; this regulation does not relax the requirements for eligibility for TPS. As a citizen and national of Mexico, the applicant is ineligible for the provisions of section 244 of the Act. A marriage alone to a TPS registrant, does not render the applicant eligible for the benefit being sought; she must meet all other requirements.

An alien applying for TPS has the burden of proving that he or she meets the requirements enumerated above and is otherwise eligible under the provisions of section 244 of the Act. The applicant has failed to meet this burden.

ORDER: The appeal is dismissed.